

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:)
EQUIPMENT FINDERS INC. OF) Case No. 09-10426
TENNESSEE,) **Chapter 11**
) **Judge Lundin**
501 Davidson St.)
Nashville, TN 37213)
xx-xxx5802)
Debtor.)

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: October 8, 2009
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: October 27, 2009 at 9:00am,
Courtroom Two, Second Floor, Customs House, 701 Broadway, Nashville,
Tennessee, 37203**

NOTICE OF APPLICATION TO EMPLOY BRADLEY ARANT BOULT CUMMINGS

The Debtor seeks Court approval of its employment of Bradley Arant Boult Cummings LLP as bankruptcy counsel for the Debtor.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to enter the attached order, or if you want the court to consider your views on the order, then on or before **October 8, 2009**, you or your attorney must:

File with the court your written response or objection explaining your position. PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTIONS YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday – Friday, 8:00 a.m. – 4:00 p.m.).

Your response must state that the deadline for filing responses is **October 8, 2009**, the date of the scheduled hearing is **October 27, 2009** and the motion to which you are responding is the Debtor's Application to Employ Bradley Arant Boult Cummings.

You must serve your response or objection by electronic service through the Electronic Filing System described above.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You

may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's web site at <www.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Respectfully Submitted:

/s/ William L. Norton, III
William L. Norton, III (#10075)
Bradley Arant Boult Cummings LLP
1600 Division St., Suite 700
Nashville, TN 37203
(615) 252-2397
(615)252-6397 (fax)
bnorton@babc.com

CERTIFICATE OF SERVICE

A copy of the foregoing Motion and Proposed Order was served on September 18, 2009, on all parties consenting to service through the Court's CM/ECF system.

/s/ William L. Norton III

William L. Norton III

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:)
EQUIPMENT FINDERS OF TENNESSEE,) Case No. 09-10426
INC.,) Chapter 11
) Judge Lundin
)
 Debtor.

**APPLICATION FOR ORDER OF EMPLOYMENT OF
BRADLEY ARANT BOULT CUMMINGS LLP**

The Debtor in the above Chapter 11 case hereby requests this Court to approve employment of bankruptcy counsel pursuant to 11 U.S.C. §327 and Bankruptcy Rule 2014 and as grounds for this Application would show unto the Court as follows:

1. Debtor filed a voluntary petition on September 11, 2009, and as a Debtor in possession desires to employ the law firm of Bradley Arant Boult Cummings LLPC (“BABC”) as its bankruptcy counsel in this case.

2. The members of BABC are admitted to practice in this Court, have knowledge and experience in bankruptcy law and are well qualified to represent the Debtor in this case.

3. In the continuance of Debtor’s business and the pending Chapter 11 case, it will be necessary for various professional legal services to be rendered for which it is necessary to retain attorneys. These services include:

a. Preparing pleadings and applications for filing and conducting examinations incidental to any related proceedings or to the administration of this case;

b. Advising the Debtor of its rights, duties, and obligations as Debtor operating under Chapter 11 of the Bankruptcy Code in this District;

c. Collection of past due accounts;

d. Taking any and all other necessary action incident to the proper preservation and administration of this Chapter 11 case; and

e. Advising and assisting the Debtor in the ultimate formation and confirmation of a plan pursuant to Chapter 11 of the Bankruptcy Code, the disclosure statement, and any and all matters related thereto.

4. To the best of the Debtor's knowledge, and as evidenced by the attached declaration of William L. Norton III, no member of BABC holds or represents an interest adverse to this estate and all members are "disinterested" persons under the Bankruptcy Code, provided BABC represents Caterpillar Financial Services Corp. and Regions Bank, both secured creditors, in unrelated matters. The Debtor and the affected creditors have consented to this engagement with the Debtor.

5. The Debtor proposes to compensate BABC for the services of its attorneys and paralegals according to their standard hourly rate as that rate may from time to time be adjusted during the pendency of this Chapter 11 case, provided the charged rate for the services of William L. Norton, III, the bankruptcy partner that will be the Debtor's main contact, is \$375.00 per hour. The rate for other members in the firm range from \$180.00 to \$500.00 per hour depending on the services required and the attorney necessary to perform them.

6. The Debtor has paid to BABC a pre-petition retainer in the amount of \$28,716.30 which is being held in escrow. Additionally, prior to the filing, BABC was paid \$9,424.99 was applied to the balance of fees and expenses owing to BABC prior to the filing of the petition.

WHEREFORE, Debtor prays that the Court enter the attached proposed order approving the employment of BABC pursuant to 11 U.S.C. § 327 and Bankruptcy Rule 2014 as the Debtor's bankruptcy counsel in this case under the terms and conditions provided in this Application.

Respectfully Submitted:

/s/ William L. Norton, III

William L. Norton, III (#10075)
Bradley Arant Boult Cummings LLP
1600 Division St., Suite 700
Nashville, TN 37203
(615) 252-2397
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
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In re:)
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TENNESSEE, INC.,) Chapter 11
Debtor.) Judge Lundin
)

ATTORNEY'S DECLARATION IN SUPPORT OF APPLICATION TO EMPLOY BABC

I, William L. Norton III, in support of the Application of the above Debtor for employment of Bradley Arant Boult Cummings LLP as bankruptcy counsel for the Debtor in this Chapter 11 case, state as follows:

1. I am a member of the firm of Bradley Arant Boult Cummings LLP (“BABC”), 1600 Division St., Suite 700, Nashville, TN 37203 and have been duly admitted to practice in the United States District Court for the Middle District of Tennessee.

2. To the best of my knowledge, each member of BABC is a disinterested person in this case and no member represents or holds any interest adverse to the estate in the matters upon which BABC is to be engaged. Nevertheless, it is disclosed that BABC does represent two secured creditors, Caterpillar Financial Services Corporation and Regions Bank in unrelated matters. Both creditors and the Debtor have consented to this conflict and do not view the representations to be adverse.

3. To the best of the Debtor’s knowledge, no member of BABC holds or represents an interest adverse to this estate and all members are “disinterested” persons under the Bankruptcy Code. There are no amount of fees and expenses that are due and owing by the Debtor to BABC as of the filing of the Debtor’s petition.

4. BABC has agreed to represent the Debtor in this Chapter 11 case upon the terms and conditions set forth in the Debtor's Application.

THIS 17th day of October, 2009.

/s/ William L. Norton III

William L. Norton III (TN # 10075)
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division St., Suite 700
Nashville, TN 37203
615-252-2397
bnorton@babc.com

PROPOSED

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
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In re:)
EQUIPMENT FINDERS OF) Case No. 09-10426
TENNESSEE, INC.,) Chapter 11
) Judge Lundin
)
Debtor.

ORDER APPROVING EMPLOYMENT OF BABC

This came before the Court upon the Motion of the Debtor requesting authority to employ Bradley Arant Boult Cummings LLP as its bankruptcy counsel. It appearing to the satisfaction of the Court that notice of the Motion was provided pursuant to Local Rule 9013-1 on September 18, 2009, and that there were no objections to the Motion, and accordingly the Motion should be granted, it is

ORDERED as follows:

- a) The Debtor is hereby authorized to retain Bradley Arant Boult Cummings LLP as its bankruptcy counsel to represent it in the above Chapter 11 case, pursuant § 327 and Bankruptcy Rule 2014, under the terms and conditions set forth in the Motion. This authorization shall be effective as of the date of the filing of the Debtor's Chapter 11 petition.
- b) No funds, including the prepetition retainer paid to Debtor's counsel, may be applied to post-petition fees or expenses absent entry of an order approving the fees and expenses to be paid.

This Order Was Signed And Entered
Electronically as Indicated At The Top Of The
First Page

APPROVED FOR ENTRY:

/s/ William L. Norton III

William L. Norton, III (TN 10075)
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division St., Suite 700
Nashville, Tennessee 37203
(615) 252-2397
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Attorneys for Debtor